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11
12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **In re: WAUKEEN Q. MCCOY,**
15
16 **Debtor in possession.**

Case No.: 14-30381 HLB

Chapter 11

**MOTION TO RELEASE SURPLUS FUNDS
HELD BY CHICAGO TITLE AND REQUEST
FOR ATTORNEY'S FEES**

Date: March 12, 2015

Time: 10:00 a.m.

Place: US Bankruptcy Court

235 Pine St., 19th Fl., San Francisco, CA 94104

Courtroom: 23

Honorable HANNAH BLUMENSTIEL

21 This Motion to Release Surplus funds held by Chicago Title and Request for
22 Attorney's fees is based on the following facts: On or about June 3, 2014, a Motion for Relief
23 from Stay was filed by Creditors Buena Vista Park, LLC and Kenneth Page. Debtor-in-
24 Possession Waukeen McCoy was represented by Attorney Joseph Angelo of Sagaria Law,
25

1 P.C. An Order granting the Relief from Stay was entered on June 24, 2014. Mr. McCoy at
2 that time was the owner of 21 Buena Vista Ave. in San Francisco. He listed his interest in the
3 real property on all his pertinent schedules.
4

5 The real property was sold at a trustee's sale on August 7, 2014. This was not a tax
6 sale for the liens on the real property held by the IRS. The IRS did not participate in the sale
7 at all. The surplus funds from the sale are being held by a third party, Chicago Title. Letters
8 went back and forth from the Firm representing Chicago Title and Mr. McCoy, including the
9 attorney for the Bankruptcy Estate of McCoy. An Ex Parte Application for Release of the
10 Funds to Mr. McCoy was filed and denied on January 12, 2015.
11

12 This Motion requests that this Court order the immediate release of the surplus funds
13 to the debtor's attorney or the debtor in possession to be placed in an interest bearing account
14 subject to further Orders of the Bankruptcy Court. The Motion will be based on the
15 Memorandum of Points and Authorities submitted herein, on all the papers and records of file
16 in this action, and upon such oral and documentary evidence as may be presented at the time
17 of the hearing on the Motion.
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19 Dated: January 26, 2015

LAW OFFICE OF SHARON L. CEASAR,

21
22 /s/ Sharon L. Ceasar
23 Sharon L. Ceasar, Attorney for Debtor in Possession
24 Waukeen McCoy
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